

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: February 28, 2007

CALLED TO ORDER: 5:32 p.m.

ADJOURNED: 7:42 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chair
Vernon Brown
Sherron Franklin
Lynn McWhirter
William Oliver
Lincoln Plowman

Absent Members

Cherrish Pryor
Scott Schneider

AGENDA

PROPOSAL NO. 68, 2007 - reappoints Katy Behan to the Indianapolis Metropolitan Citizens Police Complaint Board
“Strike”

Vote: 5-0

PROPOSAL NO. 94, 2007 - approves an increase of \$155,000 in the 2007 Budget of the Indianapolis Metropolitan Police Department (Federal Grants Fund) to fund office and mobile computer lab equipment and supplies for the Internet Crimes Against Children program funded by a Department of Justice grant, to pay for overtime of officers patrolling the Mozel Sanders Apartment complex funded by a Community Development Block Grant, and to re-appropriate a 2006 grant from the Department of Justice to purchase laptop computers and mounts for patrol cars
“Do Pass”

Vote: 6-0

PROPOSAL NO. 95, 2007 - transfers \$444,799 in the 2007 Budget of the Department of Public Safety (Non-Lapsing Federal Grants Fund) to align the budget with the new direction of the Urban Areas Security Initiative (UASI) to support Emergency Management Division staff overtime, exercise and training facilitators, travel for out of state training and meetings, software for extracting data from the MECA Computer Aided Dispatch System, a web-based learning site and contractual overtime for large scale training and exercises
“Do Pass”

Vote: 6-0

Presentation on Community Corrections – Brian Barton, Executive Director

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, February 28, 2007. Chair Mary Moriarty Adams called the meeting to order at 5:35 p.m. with the following members present: Vernon Brown, Sherron Franklin, Lynn McWhirter, and Lincoln Plowman. Shortly thereafter William Oliver arrived. Absent were Cherrish Pryor and Scott Schneider.

PROPOSAL NO. 68, 2007 - reappoints Katy Behan to the Indianapolis Metropolitan Citizens Police Complaint Board

Chair Moriarty Adams asked for a motion to strike Proposal No. 68, 2007.

Councillor Brown moved, seconded by Councillor Franklin, to “Strike” Proposal No. 68, 2007, due to her serving two consecutive terms on the board. The motion carried by a vote of 5-0.

[Clerk’s note: Councillor Oliver arrived at 5:33 p.m.]

PROPOSAL NO. 94, 2007 - approves an increase of \$155,000 in the 2007 Budget of the Indianapolis Metropolitan Police Department (Federal Grants Fund) to fund office and mobile computer lab equipment and supplies for the Internet Crimes Against Children program funded by a Department of Justice grant, to pay for overtime of officers patrolling the Mozel Sanders Apartment complex funded by a Community Development Block Grant, and to re-appropriate a 2006 grant from the Department of Justice to purchase laptop computers and mounts for patrol cars

Elizabeth Allison, Grant Manager for the Indianapolis Metropolitan Police Department (IMPD), said they are asking for \$55,000 to be appropriated and \$100,000 to be reappropriated for the following grants: 1) Internet Crimes Against Children, 2) Community Development Block Grant (CDBG), Mozel Sanders, and 3) Justice Assistance Grant. She explained that the Internet Crimes Against Children grant includes involvement in a task force with the State police that works with internet crimes against children, including sex crimes against children and peer to peer pornography collector investigations. She said the requested money will also be used to upgrade the office computer lab and build a mobile computer lab in a van that will be used for surveillance. Ms. Allison said this grant is important because it has become evident that digital evidence makes for stronger court cases. She said the second grant is the Mozel Sanders project where officers are securing the property as residents are brought into the office for eviction notices and moving out. Ms. Allison said the third grant, Justice Assistance, has been before the committee several times. She said they are requesting to reappropriate \$100,000, which will be a transfer from Character 03 to Character 04, to increase their laptop capacity and mounts for the new district vehicles.

Councillor Oliver asked if Mozel Sanders is the correct name of the apartment complex. Ms. Allison said she believes Mozel Sanders is the correct complex name, which is the new project on East 38th Street. She said she will confirm the correct name of the project.

Councillor McWhirter moved, seconded by Councillor Brown, to move Proposal No. 94, 2007 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 95, 2007 - transfers \$444,799 in the 2007 Budget of the Department of Public Safety (Non-Lapsing Federal Grants Fund) to align the budget with the new direction of the Urban Areas Security Initiative (UASI) to support Emergency Management Division staff overtime, exercise and training facilitators, travel for out of state training and meetings, software for extracting data from the MECA Computer Aided Dispatch System, a web-based learning site and contractual overtime for large scale training and exercises

Ms. Allison said initially they put a million dollars of UASI money into overtime for training and exercise. She said that they are now moving that money to meet other needs. John Ball, Director of Emergency Management Planning Division, said the reappropriation is being aligned to make sure the money can be spent before deadlines. He said that two projects would be funded with this money. The first is an exercise and training program. They would hire a training consultant to help first responders get prepared to address emergencies. Mr. Ball said one of the programs will be based on lessons learned during the 1963 Coliseum explosion. The second is an upgrade to the web programs. The upgrade will allow for real time feeds of the community.

Councillor Brown asked why the Coliseum explosion is being used in the training program. Mr. Ball said that the explosion is one of the largest catastrophic disasters that Indianapolis has ever handled. He said that they believe there are still some lessons to be learned from the event. Councillor Brown asked what consultant was hired for the training program. Mr. Ball said Betsy Callaway who worked extensively with the Office of Domestic Preparedness in Washington, was hired.

Councillor Oliver stated that he thinks the Coliseum explosion is a good reference to use because the city has never come close to such an event. He asked if medical assistants would be involved in the program. Mr. Ball replied in the affirmative and said they are coordinating with emergency medical services and the hospital.

Councillor Brown moved, seconded by Councillor Oliver, to send Proposal No. 95, 2006 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 6-0.

Presentation on Community Corrections – Brian Barton, Executive Director

Chair Moriarty Adams said the article in the Indianapolis Star regarding Community Corrections prompted this presentation, because the Council has basic oversight and authority to supervise Community Correction's programs.

David Cook, Chairman of the Marion County Community Corrections Advisory Board, said that he was troubled by the inaccurate impressions reflected in articles in the Indianapolis Star relating to the Maryland Street facility. He read a letter into the record stating his position and concern about how this matter was treated publicly. (Exhibit A, attached). Mr. Cook said he believes the issue was spun publicly as some sort of hidden camera investigation, but in fact, the Community Corrections Board recognized the facility was being stressed to the limit, and took the proper actions to shut the building down. He said professionals did come to evaluate the building and gave the board their report on conditions and what needed to be done to make repairs. Mr. Cook said this situation has been ongoing for a period of time and was not something that was overlooked. The population continues to increase, which further hindered a facility that was not intended to house criminals.

Chair Moriarty Adams asked for a briefing on the action that was taken during the Criminal Justice Planning Council (CJPC) meeting on Monday, February 26, 2007. Mr. Cook said the CJPC asked the Department of Corrections (DOC) to conduct evaluations on programs as they relate to security. Mr. Barton said all programs not contained in the building are included in the evaluation.

Mr. Cook said he asked if DOC was the proper agency to do this type of evaluation or if another agency would be more appropriate, but a vote was taken in the CJPC meeting to have DOC handle the evaluation.

Mr. Barton made a presentation on the Community Correction Center (CCC) (Exhibit B, on file in the Council office). Some highlights are as follows:

- The CCC is a leased facility that was converted from warehouse space and is a historic building over 100 years old.
- No jail inspections have ever been made on the facility, because the center is not defined as a jail, since the Sheriff's department does not supervise inmates.
- When the CCC opened in 1990, it housed 156 inmates; in 2002, the capacity was increased to 340 inmates due to the current jail crisis.

- Several improvements have been made to CCC, such as security cameras, increase in security staff, additional treatment programs, holding cells, passenger elevator, etc.
- There has been a steady increase in inmate arrival to the center.

Mr. Barton explained that the Marion County Health Department was making annual inspections when he first arrived and later stated they would no longer do this annually, but on a complaints basis only. Mr. Barton continued with additional key points:

- Micro Ari Incorporation did an inspection in March 2006 where they found no water staining or mold growth on any inmate floor.
- After improvements were made to the center, Chairman Cook toured the center at the request of Mr. Barton and agreed inmates needed to leave the center and that the felony program be suspended.

Mr. Barton said they came to this conclusion because the physical aspect of the building could not keep up with the increase in inmates and he was beginning to see more aggressive inmates, which was not the intended use of the building. Mr. Barton said several officials toured the building, including DOC representatives and it was agreed upon with DOC, to send 20 inmates a week to DOC. In December 2006, the executive committee signed an order allowing sentenced felons at the center be sent to DOC until space was available.

Mr. Barton continued with additional key points:

- DOC has been saving money due to the center and invests \$132,325 a year to the felony diversion program. The Marion County Sheriff's Department (MCSD) has fed and provided medical costs to felons since the opening of CCC.
- CCC sought \$240,000 from DOC as a part of its' grant application for medical and food expenses for felons and was denied; instead, other programs were given funding.

Councillor Oliver asked what the original intent of the center was. Mr. Barton said the center was established in 1990 due to a jail crisis. At that time, the center housed inmate workers (who had misdemeanors) to save space in the main jail. He said he noticed a remarkable difference in the center when Conseco Fieldhouse opened and officials no longer wanted inmate workers at the center because they had to walk to and from the main jail. They went back to housing them in the main jail. Mr. Barton said this is when he noticed that more hardened felons were coming to the center instead of the jail.

Councillor Oliver asked if there has been some standard as to what space the center is to provide. Mr. Barton said there has never been a standard, and the understanding was that if Sheriff Deputies did not oversee inmates, then the center was not a jail.

Chair Moriarty Adams asked Mr. Barton to discuss the financial situation of the CCC. Mr. Barton said over the years they have requested a significant amount of funds from the DOC, but have not received what they needed to operate CCC. He discussed the funding of the top nine counties in Indiana (Exhibit C, attached) and said there is a disparity between the amount of funding they received. Mr. Barton said Indianapolis is an urban city with urban problems, and they have yet to receive the proper funding from the DOC. Mr. Barton said the other eight counties listed in Exhibit C cannot be compared to Marion County.

Mr. Barton went on to discuss the CCC program capacity (Exhibit B) and said they have 135 work release beds, which are full, and 145 people currently waiting for a bed. He said CCC's day reporting program is full, the mental health program is 25 people over capacity, and the Home Detention program is the next crisis awaiting them.

Councillor Franklin asked if CCC's population is coming from outside counties. Mr. Barton replied in the negative and said the inmates they house are Marion County residents that have committed a crime in Marion County. Councillor Franklin asked if CCC receives grants. Mr. Barton said they are funded through the DOC and their user fees. He said if it were not for the fees they collect on the people they serve they would have been in worse shape years ago. Mr. Barton also added that they receive county funding and an Indiana Criminal Justice Agency grant. Councillor Franklin asked if CCC received funding through the emergency order last year. Mr. Barton said they have received some funding to assist on pre-trial programs. Councillor Franklin asked if they received any County Option Income Tax (COIT) funds. Mr. Barton replied in the negative and said it is their hope that, in a year or so once the new work release center is open, that they retain some of that money.

David Donahue, Commissioner for DOC, addressed the questions that were submitted to the DOC by the Council office (Exhibit D, on file in the Council office). Some highlights of this presentation are as follows:

- The DOC by statute drives the funding streams for Community Corrections. The DOC presently has 68 counties that are a part of the funding and they hope to have 74 counties in the near future.
- The task of the Marion County Community Corrections (MCCC) is to divert non-violent offenders from the DOC, while maintaining the public's safety.

- Since the establishment of MCCC in 1983, several services were provided, including the CCC in 1990, electronic monitoring in 1996, female work release in 1993, etc.
- After jail inmate workers were sent back to the main jail, inmates began to fall into two categories: short sentences and those awaiting incarceration at DOC. Presently CCC is used by the courts for offenders sentenced to the building.
- The funding stream for misdemeanants sentenced at the county level is a separate funding formula from Community Corrections. One time a year, the DOC authorizes payment to the county on misdemeanor programs only.
- The Community Correction program is a grant-funded program, which is competitively based, has a grant authority (review process), and grant applications submitted on a scheduled date.
- The duties of the DOC are to adopt minimum standards for establishment, operation, and evaluation of programs that receive financial aid, which is done in the grant application.

Mr. Donahue stated the DOC was able to obtain annual reports from 1999-2005 in their files in the last 24 hours. He said this is not to say that others have not been submitted; however, they have not received the 2005-2006 annual report. Mr. Barton said prior to his arrival there were no annual reports, and 2005-2006 annual report just went to the CCC board and will be forwarded to the DOC once approved.

Mr. Donahue continued with key points:

- The funding formula outlined for Community Corrections is under Indiana Code 210 IAC 2-1-3, and based on that formula, the last grant received would have been \$2.5 million; however, the current formula used supports a \$4.7 million funding stream.
- The summary of state funding for Community Corrections (Exhibit E, attached) shows an increase in funding; however, there are several years when no increase was authorized by the General Assembly.
- In 2005, when Mr. Donahue arrived, it was decided that no increases would be given to any county due to no consistent funding formula, county programs performance not being measured, and fiscal audits not having been done in previous years.

- While no increases were being made, the DOC did establish a needs list that gave counties the opportunity to express their need for additional funding and how the funding would be deployed.
- DOC is requesting additional funding for 2007-2009 to prevent a decrease in other county's funding, when the additional six counties are added to the DOC's budget.
- DOC allowed Marion County to use money that was not spent in Community Corrections for their new work release facility.

Chair Moriarty Adams asked if money sent back to DOC was money allocated to specific programs that DOC determined Community Corrections should handle. Mr. Donahue said DOC does not determine what Community Corrections should do. He said requests for funding are determined during the grant application. Mr. Donahue said if grant dollars are not deployed by the end of a year, they are returned to the state and do not roll over. He said those dollars are redeployed based on recent initiatives by the Community Correction group. Mr. Barton said the state shows they have funding of \$4.7 million, but in the CCC's report, their state funds show \$3.4 million. He said a million of that is the Community Transition Program, which is a separate fund and cannot be combined. Mr. Barton said this fund pays Community Corrections to get people out of jail early and Marion County, unfortunately, does not participate at the rate that it should. He said the money for the transition program can only be used for that program, and money that is not used is sent back to the state.

Mr. Barton said in 2005-2006, the board asked for a variety of programs and instead were awarded a Juvenile Community Transition (JCT) program for over \$800,000 and a Global Positioning System (GPS) Sex Offender Audit Project that was not in their request.

Chair Moriarty Adams asked how much of the \$886,000 grant for the JCT program was used. Mr. Barton said \$40,000 or \$50,000 has been used. The remainder of the money will go back to the DOC. Chair Moriarty Adams asked if Marion County applied for the JCT grant. Mr. Barton replied in the negative and said the CCC board did not identify DOC initiatives as priorities at the time. Mr. Donahue said the GPS technology is not Community Corrections dollars. He said they received a grant last July due to the requirement for sex offenders to have lifetime GPS technology tracking.

Chair Moriarty Adams asked what CCC's request was in 2005-2006 and what was met. Mr. Barton said their request was for work release beds (primary focus), juvenile programming, additional funding for mental health programs, etc. Chair Moriarty Adams asked what the total cost of their request was. Mr. Barton said the total was \$1.6 million, and they received just the three percent increase for personnel and funding for the JCT program. Mr. Donahue said the money is not being totally spent, because their juvenile numbers have flat lined; due in part to communities diverting children away from prison, which was the objective of the JCT program. Chair Moriarty Adams stated that her concern is that a significant amount of dollars are being issued for the JCT program, but they are not all being used. Mr. Donahue said there will be an audit and physical account of the JCT program. Chair Moriarty Adams said she does not understand how CCC can have \$1.6 million in requested needs and, instead, receive \$886,000 for the JCT program, and yet no funding toward the remainder of CCC's needed request. Mr. Donahue said he cannot speak to the coordination between the juvenile services and adult services at the county level. He said this may be something the committee can entertain with the appropriate representatives of both those entities at the county level.

Chair Moriarty Adams asked if the Marion County multiplier was used in the funding formula in Exhibit D. Mr. Donahue said IC 11-12-6-11.1 is the misdemeanor funding formula and has no correlation to Community Correction funding. Chair Moriarty Adams asked what multiplier is used to determine the funding formula found in Exhibit D. Mr. Donahue said he will get their Chief Financial Officer (CFO) to provide that information.

Mr. Donahue gave a list of agencies that could offer advice on strategic management (found in Exhibit D). He stated that, as the funding authority, they may not be the best person to be the strategic evaluator. Mr. Cook asked if he is stating there may be a conflict of interest with DOC providing the evaluation. Mr. Donahue replied in the affirmative and said the DOC has the ability to review fiscal plans, but scope and strategic reviews should be with an entity with that particular experience. He said the DOC would be happy to be a part of the review, but not the driving entity of that review. Mr. Donahue recommended the review of organizational oversight (what CCC would like to accomplish), programs and operations, physical and statistical data (to determine the population served), and the development of a strategic plan that can be measured and monitor.

Councillor Oliver asked what instruments and measurements were used when funding counties such as Lake and Allen counties. Mr. Donahue said the device used was self-reporting in the grant process. Councillor Oliver asked if there is something Marion County is not doing to be on the same funding levels as Lake and Allen Counties, which serve less citizens. Mr. Donahue said each county is unique and cannot be compared. He said the only information they have that something is working is the grant applicant.

Councillor Oliver asked if the DOC funding level is currently the same since 2005. Mr. Donahue replied in the affirmative and said he did not want to change the business model, but sustain it and that now requires annual grant applications. Councillor Oliver asked if there is a checks and balance with the self reporting. Mr. Donahue said the only checks and balances are in an auditing sense to make sure the funding was deployed.

Chair Moriarty Adams asked if Mr. Donahue could explain Governor Daniels' commitment to Community Corrections. Mr. Donahue said he cannot speak for the governor, but he has heard him talk about his desire to improve public safety and his commitment to expand Community Corrections. Chair Moriarty Adams asked what is CCC's request this year. Mr. Barton said CCC needs money for the new work release center. He said there will be 350 beds, re-entry will be increased with 80 re-entry beds, and 170 post-trial beds. Currently, they have 145 that are waiting for a bed in work release. Mr. Barton said when work release is shut down, those people have to go somewhere, and that is why he is dealing with 1,800 people on home detention programs. Chair Moriarty Adams asked who is directly responsible for coordinating and supervising the Community Corrections program. Mr. Barton said the DOC has asked all the programs to do a strategic plan, and they are working on that with their board. He said it is not the CCC's board who develops the county's plan; it is actually the CJPC. Mr. Barton said the CCC's plan is to coordinate and create a Community Corrections plan. Chair Moriarty Adams asked if there are any defects in the procedure that is used by Marion County in setting their Community Corrections advisory board and programs. Mr. Donahue said he is not aware of any procedural defects. Chair Moriarty Adams asked if Mr. Donahue has observed a problem in the effectiveness of Marion County programs and conditions of the facilities. Mr. Donahue said the coordination of services and allocation of funding is a big issue for the community. Chair Moriarty Adams said the CCC has made substantial requests for dollars from the DOC to fund programs that have not been funded or have been underfunded. Chair Moriarty Adams asked if there has been any direction not to fund CCC's programs. Mr. Donahue replied in the negative, and said he does not receive any direction on funding programs. He said the grant application is what they use to evaluate funding requests. He said Marion County did not take the opportunity to inform DOC on what their grant application entails. Chair Moriarty Adams said it seems to be a constant pattern of underfunding in Marion County's Community Corrections, and it needs to end, because Marion county does not have the funding or resources necessary to allow this to continue. She said a multiplier needs to be followed or funds made available to administer programs. Mr. Barton said he cannot implement all the suggested programs without funding. He said it is imperative to fund these programs for the safety of the community.

Councillor Franklin asked if the prison system makes money on how many inmates they acquire. Mr. Donahue replied in the negative, and said the 27,000 that are currently incarcerated cost taxpayers \$1.2 billion in 24 months. Councillor Franklin said she is

worried about the success of their re-entry program if the county does not receive the proper funding they need.

Chair Moriarty Adams asked what the DOC has asked for from the General Assembly in the way of additional funds for its' request to add six additional counties. Mr. Donahue said he cannot speak on the actual number, but can provide that information at a later date. Chair

Moriarty Adams asked in a case where DOC does not receive additional funding, if they will still add the six counties. Mr. Donahue said they will not have the resources to add six counties if they are not provided with additional funding.

Mr. Donahue said DOC is willing to be a partner in addressing the Community Corrections issue; however, they cannot craft the plan on how it should be done at the local level. Chair Moriarty Adams said they will take responsibility in crafting the plan. Their request is that the items that are requested for funding by Community Corrections receive serious consideration and be funded.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 7:42 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chair
Public Safety and Criminal Justice Committee

MMA/as